

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant :	Francesca Kuglen	Atty Docket:	K551-003.B
Serial No. :	10/764,279	Examiner:	Robyn Kieu Doan
Filed :	January 22, 2004	Art Unit:	3732
For :	STRETCH COMB HAIR RETAINER	Conf. No.:	9690

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**RULE 132 DECLARATION OF LAURIE ERICKSON  
(37 CFR 1.132)**

This declaration is offered in support of the above-identified patent application by Francesca Kuglen.

I, Laurie Erickson, declare as follows:

1. I have been involved in the hair accessory business for the past 26 years and have owned and operated The Finest Accessories, Inc., located in North Bend, Washington, for the past 12 years. The Finest Accessories markets and sells a variety of hair accessory products under the brand France Luxe, and under the L. Erickson and L. Erickson USA luxury brands. Products we sell under these brands include barrettes, hair combs and sticks, headbands, ponytail holders and bobby pins.

2. All of our brands are sold through retail department stores, spas and boutiques, as well as directly to the consumer through Amazon.com and our website at [www.franceluxe.com](http://www.franceluxe.com). Attached hereto as **Exhibit A** is a printout of a page from our website featuring some of our current hair comb and hair stick products. We have combs of many different sizes, shapes and materials, including hand-made cellulose acetate combs, injected plastic combs and wire loop combs.

3. I am closely involved in all aspects of my company's business including marketing and product design. In regards to product design, I create new hair accessory designs myself and work with other employees within the company to come up with new designs. I also on occasion work with outside designers. Mostly, our hair accessory designs are developed internally, sometimes with input from retail buyers, who often come up with fashion and trend ideas based on their experiences in the marketplace.

4. I would describe the hair accessory business as a crafts business and the hair accessory design process as an organic one. The ordinary designer of hair accessory products is not technically inclined or inclined to make significant changes in product function. Designers in our field generally focus on the aesthetic and create new decorative elements that are added onto an existing base, such as a barrette, headband or comb.

5. In the course of my design and marketing activities at Finest Accessories, I have worked with many types of combs, including injected plastic combs, cellulose combs and Japanese style wire loop combs. Different combs have different characteristics, including the width, thickness, length of the teeth, the number of teeth, tooth construction (e.g. with or without openings), and the material used. The physical characteristics of the comb are important because they affect how the comb will function in the hair. For a particular application, I would not consider simply substituting one type of comb for another type of comb. Combs having significantly different physical characteristics behave much differently in the hair.

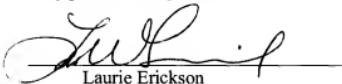
6. I have known about wire loop combs for about 20 years, and my company currently carries decorative wire loop combs as shown on **Exhibit A** attached to this declaration. (See page 3, product codes LI2023 and LI2026.) Wire loop combs are peculiar combs having characteristics somewhat like a row of bobby pins. They have traditionally been used singly in the hair with decorative elements on the spine to provide a hair adornment, such as may be worn by a bride. Used singly, they can hold back stray "fly-away hair" such as in an updo hairstyle. By themselves, wire loop combs are not strong and lack stability. Thus, they are not a good solution for holding hair in place.

7. I am familiar with the double comb hair accessory product created by Ms. Kuglen, which is called Hairzing and a version of which is disclosed in Ms. Kuglen's patent application Serial No. 10/764,279, which I have reviewed. As a hair accessory designer and one who has worked many years with hair combs, including wire loop combs, I consider her use of wire loop combs as a holding element in a double comb hair accessory application to be very innovative. By this unique use of wire loop combs, Ms. Kuglen has created a unique functionality in a hair accessory product. Because of their physical characteristics and tendency to fall out of the hair, I would not have thought to use wire loop combs for this purpose or predicted that they would have worked in this application. Before I became aware of the use of wire loop combs in this application, I would have thought that the elastic strands pulling on the combs would pull the combs out of the hair.

**[DECLARATION PAGE FOLLOWS]**

The undersigned declares that all statements of her own knowledge made herein, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application, or any patent issuing thereon.

Date: 12.04.09



Laurie Erickson

Application No. 10/764,279

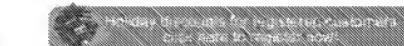
Declaration of Laurie Erickson

37 CFR 1.132

## EXHIBIT A

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[Hair Slides](#)  
[Hair Sticks](#)  
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[Crystal Hair Accessories - All](#)  
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**EXCLUSIVES**

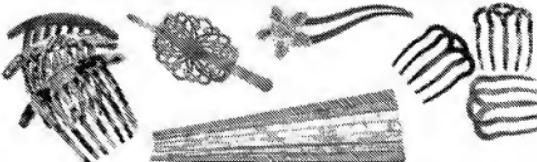
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[100% Silk Solids](#)  
[Headwraps - All](#)  
[Ponies & Mini Barrettes](#)  
[Pins & Sticks](#)  
[Classic Tortoise Barrettes](#)  
[Nacra Bright](#)  
[Classic Tortoise Headbands](#)  
[Animals & Insects](#)  
[Wild Cat Collection](#)  
[Mini Jaws](#)  
[Hearts & Flowers](#)  
[Bows](#)  
[France Luxe Classics](#)  
[Garland Collection](#)  
[Satinet Collections](#)

**Basket Contents**

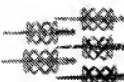
Quantity in Basket: none

[Home](#) > [Hair Combs & Hair Sticks - All](#)

## Combs & Sticks - All



France Luxe Interlocking Comb Pairs - Classic

Code: 9835  
Retail Price: \$14.00

France Luxe Lattice Slide - Classic

Code: 9732  
Retail Price: \$34.00

France Luxe 18 Tooth French Side Comb - Classic

Code: 9832  
Retail Price: \$6.00

France Luxe 15 Tooth French Side Comb



France Luxe Classic Hair Pin - Classic



France Luxe 3 Tooth Vintage French Comb

## Classic

**Code: 9831**  
Retail Price: \$6.00

**Code: 9827**  
Retail Price: \$14.00

## Classic

**Code: 9829**  
Retail Price: \$22.00



France Luxe Greek Key Slide - Classic

**Code: 9828**  
Retail Price: \$36.00

France Luxe 10 Tooth Vintage French Comb - Classic

**Code: 9830**  
Retail Price: \$25.00

France Luxe Crystal Mini French Twist Comb - Black

**Code: 9810**  
Retail Price: \$142.00



France Luxe Mini French Twist Comb

**Code: 9792**  
Retail Price: \$24.00

L. Erickson Wonderland Chignon Pin - Lime/Blue

**Code: LI2351**  
Retail Price: \$44.00

France Luxe Filigree Double Slide

**Code: 9809**  
Retail Price: \$11.00



France Luxe 90x42mm Hair Pin

**Code: 9808**  
Retail Price: \$4.50

France Luxe 75x26mm Hair Pin

**Code: 9807**  
Retail Price: \$3.00

L. Erickson Five Tooth Comb

**Code: LI2326**  
Retail Price: \$32.00



L. Erickson Crystal Five Tooth Comb	France Luxe Vine Chignon Pic	L. Erickson USA Polo Brand French Twist Comb
<b>Code: LI2396</b>	<b>Code: 9797</b>	<b>Code: L1044</b>
<b>Retail Price: \$52.00</b>	<b>Retail Price: \$48.00</b>	<b>Retail Price: \$23.00</b>



France Luxe Hair Stick  
with Crystal Tips

**Code: 9327A**  
**Retail Price: \$18.00**



L. Erickson Leaf Comb with  
Silver Beads

Code: LI9480  
Retail Price: \$48.00



- L. Erickson Elegant Hair Pin  
with Silver Beads -  
Black/Silver - As Seen in  
SHAPE Magazine  
FASHION PRESS

		
<p>L. Erickson Two-Tone Vine Slide Barrette</p> <p><b>Code: LI2180</b> Retail Price: \$18.00</p>	<p>L. Erickson Beaded French Twist Comb</p> <p><b>Code: LI2128</b> Retail Price: \$18.00</p>	<p>L. Erickson Chantilly Chignon Pin - Brown/Coral</p> <p><b>Code: LI2095</b> Retail Price: \$24.00</p>



L. Erickson Two-Tone  
Vine Slide Barrette

**Code: LI2180**  
**Retail Price: \$18.00**



L. Erickson Beaded French Twist Comb

**Code: LI2128**  
**Retail Price: \$18.00**



L. Erickson Chantilly  
Chignon Pin - Brown/Coral

		
L. Erickson Freshwater Pearl & Crystal Comb Code: <b>LI2023</b> Retail Price: <b>\$28.00</b>	L. Erickson Bohemian Luxury Comb Code: <b>LI2026</b> Retail Price: <b>\$38.00</b>	France Luxe Braided Side Comb - Classic Code: <b>9673</b> Retail Price: <b>\$20.00</b>



L. Erickson Freshwater  
Pearl & Crystal Comb

Code: **LI2023**  
Retail Price: **\$28.00**



L. Erickson Bohemian  
Luxury Comb

Code: LI2026  
Retail Price: \$38.00



France Luxe Braided Side  
Comb - Classic

Code: 9673  
Retail Price: \$20.00



France Luxe Princess  
French Twist Comb -  
Nacro Brights

Code: 9589  
Retail Price: \$100.00



France Luxe Daisy Chain  
French Twist Comb -  
Classic

Code: 9706  
Retail Price: \$48.00



France Luxe Chicago Shirle -  
Classic

Code: 9622  
Retail Price: \$28.00



France Luxe Classic Slide  
Barrette - Classic

Code: 9620  
Retail Price: \$29.00



France Luxe Petite Bobby  
Pin 4-Pack - Classic - As  
Seen in InStyle Makeover  
Magazine

Code: 9579  
Retail Price: \$6.00



France Luxe Large Basic  
Comb - Classic

Code: 9596  
Retail Price: \$14.00



France Luxe New Chignon  
Pic - Classic

Code: 9566  
Retail Price: \$18.00



France Luxe Nine Teeth  
Comb - Classic

Code: 9440  
Retail Price: \$14.00



France Luxe Suxon Hair  
Stick - Classic

Code: 9450  
Retail Price: \$18.00



France Luxe Santa Fe  
Comb - Classic

Code: 9460



France Luxe Mini Push Up  
Comb - Classic

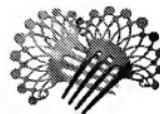
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France Luxe Elysee Hair  
Stick - Classic - As Seen in  
Real Simple Magazine  
FASHION PRESS

Retail Price: \$24.00

Retail Price: \$14.00

Code: 9423  
Retail Price: \$26.00

France Luxe Marle French Twist Comb - Classic

Code: 9384  
Retail Price: \$38.00

France Luxe Twisted Hair Stick - Classic

Code: 2228  
Retail Price: \$12.00France Luxe Hair Stick Single - Classic - As Seen in OK! Magazine FASHION PRESS  
Code: 2100H  
Retail Price: \$11.00

France Luxe Hair Stick Single - Fall Plaid

Code: 2100F  
Retail Price: \$11.00

France Luxe Hair Stick Single - Scott &amp; Scottish

Code: 2100D  
Retail Price: \$11.00

France Luxe Hair Stick Single - Fall Plaid

Code: 2100C  
Retail Price: \$11.00

France Luxe Hair Stick Single - Macro Brights

Code: 2100B  
Retail Price: \$11.00

France Luxe Hair Stick Single - Hypno Stripe

Code: 2100A  
Retail Price: \$11.00

France Luxe Four Circles Slide - Classic - As Seen in InStyle Magazine FASHION PRESS

Code: 9306  
Retail Price: \$17.00

France Luxe Oval Slide -



France Luxe Rectangle



France Luxe Rectangle

Classic	Slide - Classic	Slide - Amber
Code: 9303 Retail Price: \$17.00	Code: 9302 Retail Price: \$14.00	Code: 9279 Retail Price: \$28.00

Products Found: 66

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## SubCategories:

- France Luxe Combs & Sticks(51) • L. Erickson Combs & Sticks(11)
- French Twist Combs(8) • Hair Slides(7)
- Hair Sticks(10)

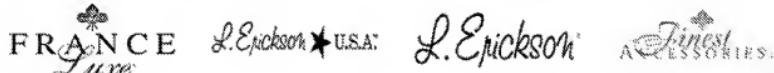
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